In the claims

1. (currently amended) A method comprising:

executing a code section relating to memory using a hardware transactional approach to ~~transactional memory~~ executing code sections, the hardware transactional approach to executing code sections implemented in hardware other than a processor; and,

where the hardware transactional approach ~~to transactional memory~~ executing code sections fails a threshold in executing the code section, executing the code section relating to the memory using a software approach to locking memory.

2. (previously presented) The method of claim 1, further comprising executing other code sections relating to the memory using the software approach to locking memory.

3. (currently amended) The method of claim 1, wherein executing the code section relating to the memory using the hardware transactional approach to ~~transactional memory~~ executing code sections comprises:

starting a transaction inclusive of the code section; and,

conditionally executing the transaction.

4. (currently amended) The method of claim 3, wherein executing the code section relating to the memory using the hardware transactional approach to ~~transactional memory~~ executing code sections further comprises, upon successfully completing the transaction, committing execution of the transaction to the memory to which the code section relates.

5. (currently amended) The method of claim 1, wherein the hardware transactional approach to ~~transactional memory~~ executing code sections failing the threshold in executing the code

section comprises the hardware transactional approach to ~~transactional memory~~ executing code sections aborting execution of the code section a single time.

6. (currently amended) The method of claim 1, wherein the hardware transactional approach to ~~transactional memory~~ executing code sections failing the threshold in executing the code section comprises the hardware transactional approach to ~~transactional memory~~ executing code sections aborting execution of the code section a predetermined plurality of times.

7. (currently amended) The method of claim 1, wherein the hardware transactional approach to ~~transactional memory~~ executing code sections failing the threshold in executing the code section comprises utilizing a digital filter as the threshold in determining whether to utilize the software approach to locking memory to execute the code section.

8. (currently amended) The method of claim 1, wherein the hardware transactional approach to ~~transactional memory~~ executing code sections failing the threshold in executing the code section comprises utilizing information passed from a compiler to determine whether to utilize the software approach to locking memory to execute the code section.

9. (currently amended) The method of claim 1, wherein the hardware transactional approach to ~~transactional memory~~ executing code sections failing the threshold in executing the code section comprises tracking a success rate of the hardware transactional approach to ~~transactional memory~~ executing code sections in executing the code section to determine whether to utilize the software approach to locking memory to execute the code section.

10. (previously presented) The method of claim 1, wherein executing the code section relating to the memory using the software approach to locking memory comprises:

placing a lock on the memory to which the code section relates;

executing the code section;

committing execution of the code section to the memory as the code section is executed; and,

removing the lock on the memory to which the code section relates.

11. (previously presented) The method of claim 1, wherein executing the code section relating to the memory using the software approach to locking memory comprises utilizing one of a queued lock, a non-uniform memory architecture (NUMA) lock, and a reader-writer lock.

12. (currently amended) A system comprising:

a processor; and,

a memory storing a spin lock function to execute a code section via a software approach to locking memory where a ~~transactional memory capability~~ a hardware transactional approach to executing code sections has initially failed a threshold in executing the code section,

where in the ~~transactional memory capability~~ hardware transactional approach to executing code sections is implemented in hardware other than the processor.

13. (original) The system of claim 12, further comprising a plurality of nodes interconnected to one another, one of the plurality of nodes inclusive of the processor and the memory.

14. (original) The system of claim 12, wherein the memory further stores the code section, the code section programmed to call the spin lock function to execute, the spin lock function locking a portion of the memory to which the code section relates.

15. (original) The system of claim 14, wherein the memory further stores a spin unlock function that the code section calls to unlock the portion of the memory to which the code section relates.

16. (cancelled)

17. (previously presented) The system of claim 12, wherein the software approach is used to execute the code section where the ~~transactional memory capability~~ hardware transactional approach to executing code sections has failed to execute the code section a predetermined one or more times.

18. (currently amended) An article of manufacture comprising:

a tangible computer-readable medium; and,

means in the medium for executing a code section using a software approach to locking memory where a hardware transactional approach to ~~transactional memory~~ to execute code sections has failed a threshold in executing the code section, the hardware transactional approach to executing code sections implemented in hardware other than a processor.

19. (previously presented) The article of claim 18, wherein the means executes the code section using the software approach to locking memory where the hardware approach to transactional memory has failed to execute the code section a predetermined one or more times.

20. (previously presented) The article of claim 18, wherein the tangible computer-readable medium is a recordable data storage medium.